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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,813	06/09/2000	Jun Tamai	35,C14549	3398
5514	7590 04/26/2002			
FITZPATRICK CELLA HARPER & SCINTO			EXAMINER	
	ROCKEFELLER PLAZA EW YORK, NY 10112		ADDISON, KAREN B	
			ART UNIT	PAPER NUMBER
			2834	

DATE MAILED: 04/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)			
	09/589,813				
Office Action Summary	Examiner	TAMAI, JUN Art Unit			
	Karen B Addison	2834			
The MAILING DATE of this communication					
Period for Reply A SHORTENED STATUTORY PERIOD FOR R THE MAILING DATE OF THIS COMMUNICATI - Extensions of time may be available under the provisions of 37 C after SIX (6) MONTHS from the mailing date of this communicati - If the period for reply specified above is less than thirty (30) days - If NO period for reply is specified above, the maximum statutory i - Failure to reply within the set or extended period for reply will, by - Any reply received by the Office later than three months after the earned patent term adjustment. See 37 CFR 1.704(b). Status	ION. CFR 1.136(a). In no event, however, may a reon. s, a reply within the statutory minimum of thirty period will apply and will expire SIX (6) MON statute, cause the application to become AB.	eply be timely filed (30) days will be considered timely. THS from the mailing date of this communication.			
1) Responsive to communication(s) filed or	١ <u></u> .				
2a)⊠ This action is FINAL . 2b)□	This action is non-final.				
Since this application is in condition for a closed in accordance with the practice un Disposition of Claims	nder <i>Ex parte Quayl</i> e, 1935 C.D	ters, prosecution as to the merits is 0. 11, 453 O.G. 213.			
4)☐ Claim(s) is/are pending in the app					
4a) Of the above claim(s) is/are wit	hdrawn from consideration.				
5) Claim(s) is/are allowed.					
6)⊠ Claim(s) <u>1-9</u> is/are rejected.					
7) Claim(s) is/are objected to.					
8) Claim(s) are subject to restriction a	and/or election requirement.				
Application Papers					
9)☐ The specification is objected to by the Exa					
10) The drawing(s) filed on is/are: a) ☐ :					
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved by the Examiner.					
If approved, corrected drawings are required in reply to this Office action.					
12) The oath or declaration is objected to by the	e Examiner.				
Priority under 35 U.S.C. §§ 119 and 120					
13) Acknowledgment is made of a claim for fo	reign priority under 35 U.S.C. §	119(a)-(d) or (f).			
a)⊠ All b)⊡ Some * c)⊡ None of:					
1. Certified copies of the priority documents have been received.					
2. Certified copies of the priority docun					
3. Copies of the certified copies of the application from the Internationa* See the attached detailed Office action for a	al Bureau (PCT Rule 17.2(a)).				
14) ☐ Acknowledgment is made of a claim for dom	nestic priority under 35 U.S.C. §	119(e) (to a provisional application).			
a) ☐ The translation of the foreign language 15)☐ Acknowledgment is made of a claim for don	e provisional application has bee	en received.			
Attachment(s)					
 Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948 Information Disclosure Statement(s) (PTO-1449) Paper No 	5) Notice of Inf	ımmary (PTO-413) Paper No(s) ormal Patent Application (PTO-152)			

Application/Control Number: 09/589,813

Art Unit: 2834

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim 1 is rejected under 35 U.S.C. 102(E) as being anticipated by Tami (6140741). Tami discloses in fig. 1 and 4, a vibration member (4) formed by an elastic member (5,6) having an electro-mechanical energy conversion element fixed thereto, and a through-hole (1a) extending through a central portion; a support member fixed (3) to the vibration member and rotary member (8) being in press contact with the vibration member and having a through-hole extending through the central portion thereto. Tami also discloses, an output shaft fig.4 (2) extending through the through-hole of the rotary

Application/Control Number: 09/589,813

Art Unit: 2834

member (8),rotatable with the rotary member and the output shaft supporting the vibration member within the through-hole of the vibration member and case packaging.

Claim Rejections - 35 USC § 103

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tamai (6140741) in view of Kanazawa (5739623).

Tamai discloses subtantially all of the claim features as seen above in paragraph 1 including a plurality of bearing provided in the case wherein the plurality of bearing made of resin is rotatable supporting the output shaft in the case. Tami does not show disclose sliding bearing.

Kanazawa teaches in fig. 17 and 21 a vibration motor comprising a vibration member(1), a rotary member(7), an output shaft(5c), supporting member(10), and sliding bearings (disposed substantially at the node position of the vibration member) made of resin (13 and 112) disposed on the output shaft for the purpose of vibrating in the trust direction. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the vibration wave actuator of Tami with the teaching of the bearing mechanism of Kanazawa for the purpose obtaining a stable output and reducing noise.

Art Unit: 2834

Response to Arguments

2. Applicant's arguments filed 2/4/02 have been fully considered but they are not persuasive.

In response to applicant's arguments that Tami fails to disclose or suggest at the output shaft arrange to support the vibration member within the through-hole of the vibration member is noted. However, fig.4 clearly shows the output shaft (2) arrange to the support the vibration member(4) within the through-hole (1a).

In response to applicant's arguments that Kanazawa fails to disclose or suggest an output shaft that supports the vibration member is noted. However, Kanazawa clearly shows a vibration member (1) support by the output shaft (1) comprising sliding bearings(13 and 113).

3. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2834

Page 5

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen B Addison whose telephone number is 703-306-5855. The examiner can normally be reached on 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on 703-308-1317. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3431 for regular communications and 703-305-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

KBA April 22, 2002 NESTOR RAMIREZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800